

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4353 of 2018

Arising Out of PS. Case No.-355 Year-2018 Thana- BAHADURPUR District- Darbhanga

Ashutosh Kumar, Son of Bishwambhar Kumar, Resident of Village- Sinuar-
Gopal, Police Station- Bahadurpur, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Tondon
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 08.10.2018 passed by the 1st Addl. Sessions Judge -cum-Spl. Judge (SC/ST POA ACT), Darbhanga in ABP No. 1471 of 2018 arising out of Bahadurpur P.S.Case No. 355 of 2018 registered under Sections 323, 420, 467, 468,471 and 504/34 of the Indian penal Code and Sections 3(1)(g)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation as per the FIR is that informant has purchased land altogether 09 Kathas and he put possession over the land. Later on, he came to know that accused persons sold 04 kathas Gairmajarua land to him and later on, sold that land to some other accused and as such they have cheated the informant by



creating forged and fabricated document. When informant protested, he was abused by the accused persons by taking caste name and also assaulted.

Submission of learned counsel for the appellants is that there is no allegation of abusing the informant by taking caste name or of assault against the appellant. He submits that he is purchased the land from co-accused and he sold the land to others and the dispute is of civil nature.

Heard learned Spl. P.P and the learned counsel appearing on behalf of the informant, who have opposed the prayer of anticipatory bail stating that petitioner has hand in cheating the informant as he has purchased the same land and sold to other co-accused.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, abovenamed, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST(POA) Act, Darbhanga in connection with ABP No. 1471 of 2018



arising out of Bahadurpur P.S. Case No. 355 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant shall co-operate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

Accordingly, the appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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